

REMARKS/ARGUMENTS

The office action of August 22, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-31 remain pending in this application.

Preliminarily, applicants note that claim 8 has been amended to improve its clarity.

Claims 1-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-54 of co-pending application no. 09/543,723 (now U.S. patent 6,559,830, issued May 6, 2003). While not acquiescing in this rejection, it is noted that applicants previously submitted a Terminal Disclaimer on February 20, 2003 to obviate this rejection.

Prior Art Rejections

Claims 1, 7, 9, 10 and 16-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,680,677 to Tiphane in view of U.S. patent no. 5,635,958 to Murai. Claims 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,995,101 to Clark et al. ("Clark"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tiphane and Murai in view of U.S. patent no. 6,246,405 to Johnson. Applicants respectfully traverse these rejections.

Notwithstanding the merits of these rejections, applicants are submitting herewith a Declaration under 37 C.F.R. § 1.131 to establish a reduction to practice of the inventions claimed prior to the October 6, 2000 filing date of Tiphane, thereby removing Tiphane as a reference. Accordingly, withdrawal of these rejections is respectfully requested.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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